

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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|---|---|---------------------|
| THEODORE HAYES, <i>et al.</i> <i>Plaintiffs</i> | : | CIVIL ACTION |
| | : | |
| | : | NO. 15-2617 |
| v. | : | |
| | : | |
| PHILIP E. HARVEY <i>Defendant</i> | : | |

ORDER

AND NOW, this 22nd day of June 2016, upon consideration of Plaintiffs' *motion for injunction pending appeal*, [ECF 29], and Defendant's opposition thereto, [ECF 30], it is hereby **ORDERED** that Plaintiffs' motion is **GRANTED**,¹ and Defendant is enjoined from evicting Plaintiffs from 538B Pine Street or taking any other action to accomplish such an eviction until final adjudication of Plaintiffs' current appeal.

BY THE COURT:

/s/ Nitza I. Quiñones Alejandro
NITZA I. QUIÑONES ALEJANDRO
Judge, United States District Court

¹ By way of Plaintiffs' underlying motion for an injunction pending appeal, Plaintiffs seek to enjoin Defendant from commencing eviction proceedings against Plaintiffs, as otherwise permitted by this Court's Memorandum Opinion and accompanying Order of May 10, 2016. [ECF 24, 25]. A request for a stay is addressed to the sound discretion of the Court. In exercising this discretion, a court must consider and weigh the following factors: (1) the movant/appellant's likelihood of success on the merits of their appeal; (2) whether the movant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantiall injure the other parties to the litigation; and (4) where the public interest lies. *See Hilton v. Braunskill*, 481 U.S. 770, 776 (1987); *Republic of Philippines v. Westinghouse Elec. Corp.*, 949 F.2d 653, 658 (3d Cir. 1991). Though this Court is of the opinion that Plaintiffs can show little likelihood of success on the merits of their appeal, a careful consideration and balancing of the other factors weighs in favor of a stay here. Accordingly, Plaintiffs' motion is granted.